



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

17

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,558	10/24/2003	Andreas Gruhle	3926.059	9129
30448	7590	06/28/2007		
AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER PAUL, DISLER	
			ART UNIT	PAPER NUMBER
			2615	
			MAIL DATE	DELIVERY MODE
			06/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/692,558	Applicant(s) GRUHLE ET AL.	
	Examiner Disler Paul	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-20;28-32 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 16-20;28-32 is/are rejected.
- 7) ☒ Claim(s) 29-32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/4/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Preliminary Amendment non-compliant/corrections

The Applicant preliminary amendment of the claims contains missing claims and duplicated claims. Thus, correction is needed. Note, the examiner will write office action on the merit over prior art based on the amended cited claims.

Claim Objections

1. Claims 29-32 are objected to under 37 CFR 1.75(c) as being in improper form because such claims above are multiple dependent claims being repeated. Thus, applicant is advised to cancel such repeated claims.

a. Claims 16-20,28-32 are pending based on the applicant's preliminary amendment, while claims 1-15 are cancelled.

Double Patenting

2. Claims 16-20 and 27-32 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of copending Application No. ("US 2004/0124844 A1"). Although the conflicting claims are not identical, they are not patentably distinct from each other because even though the copending application No. ("us 2004/0124844 A1") is directed to electric motor with rotation which is not disclosed in application ("US 2004/0131194"), electric motor is just another device which produced electromagnetic fields thus official Notice is taken that it

would have been obvious to one of the ordinary skill in the art to have the device to test the electromagnetic motor producing field for purpose of testing its functionality.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 16-17, 19, 24, 28-29, 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Taenzer et al ("US 6,603,860 B1").

Re claim 16, Taenzer et al. discloses a Device for testing functionality of loudspeakers ("fig.2-4; col.2 line 33-36; line 4-5; col.1 line 10-17-testing the functionality of audio hearing aid device"), comprising: an antenna for receiving magnetic alternating magnetic fields ("fig.3/214;col.2 line 47-52;col.col.4 line 1-3-receiver/antenna to receive field"), a unit for analysis of the received signals with respect to signal components in the transmission range of loudspeakers ("fig.2A-2B/60;col.4 line 25") and an output unit for signaling the Functionality ("fig.2A/70,57; col.4 line 28-30").

Re claim 17, Taenzer et al. discloses a Device according to claim 16, wherein the antenna includes one or more receiver coils("col.3 line 60-64").

Re claim 19, Taenzer et al. discloses a Device according to claim 16, wherein between the antenna and unit for analysis an amplifier is provided for amplifying the received signal ("fig.3/202; col.5 line 47").

Re claim 28, Taenzer et al. disclose a device according to claim 16, including an independent energy supply (col.5 line 43-45).

Re claim 29, Taenzer et al. discloses a Device according to claim 28, wherein said independent energy supply, is a battery or a fuel cell system ("col.5 line 43-45; Fig.2C/100-may be battery operated").

Re claim 32, Taenzer et al. discloses a Process for testing functionality of loudspeakers ("fig.2-4; col.2 line 33-36; line 4-5; col.1 line 10-17-testing the functionality of audio hearing").

Art Unit: 2615

aid device"), operating said loudspeaker to produce an alternating electro-magnetic field ("fig.3/214;col.2 line 47-52;col.col.4 line 1-3; col.3 line 35-50/transducer to produce field"), using an antenna to detect said alternating electro-magnetic fields as a received signal (fig.1A (18)); evaluating the received signal for signal components in the transmission range of loudspeakers using a unit for analysis ("fig.2A-2B/60;col.4 line 25"), and in the case of the existence of the functionality this is displayed using a display unit ("fig.2A/70,57; col.4 line 28-30").

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taenzer et al("US 6,603,860 B1") and further in view of Bosnar ("US 2003/0184301 A1").

Re claim 18, Taenzer et al. discloses a device according to claim 17, but he fail to disclose the device is thereby characterized, that the receiver coils are oriented in different

Art Unit: 2615

characterized, that the receiver coils are oriented in different spatial directions. However, Bosnar disclose a conductivity meter in which the receiver coils are oriented in different spatial directions ("fig.7/18(1-4); page 5[0054] line 7-8") for the purpose of having different conductivity reading taken at the same time. Thus taking the combined teaching of Taenzer et al. and Bosnar as a whole, it would have been obvious for one of ordinary skill in the art to modify Taenzer et al. by incorporating the receiver coils are oriented in different spatial directions for the purpose of having different conductivity reading taken at the same time.

7. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taenzer et al("US 6,603,860 B1")

Re claim 30, Taenzer et al. discloses a Device according to claim 16, and wherein the unit for analysis of the received signal is a device for digital signal processing ("fig.2A/60; col.7 line 15-20"). But, Taenzer et al. fail to disclose of the analog-digital converter provided subsequent to the antenna. However official notice is taken that the limitation of having the analog-digital converter provided subsequent to the antenna

Art Unit: 2615

for one of the ordinary skill in the art to modify Taezer et al. by incorporating the analog-digital converter provided subsequent to the antenna for generating digital signals to be analyzed by the digital signal processor.

Re claim 31, the device according to claim 30, wherein the device for digital processing is a micro-controller, signal processor or a ASIC("fig.2A/60; col.7 line 15-20").

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taenzer et al("US 6,603,860 B1") and further in view of Aab ("US 5,500,585").

Re claim 20, Taenzer et al. discloses a Device according to claim 16, However, Taenzer et al. fail to disclose that the unit for analysis includes a filter unit for filtering the received signals. But, Aab discloses a device for detecting movement of movable component in which the unit for analysis includes a filter unit for filtering the received signals("col.8 line 17-19;fig.1/29") for the purpose of suppressing electromagnetic interference signals, therefore taking the combined teaching of

Art Unit: 2615

Taenzer et al and Aab as a whole, it would have been obvious to one skilled in the art to modify Taenzer et al. by incorporating the unit for analysis includes a filter unit for filtering the received signals for the purpose of suppressing electromagnetic interference signals.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800